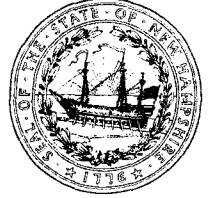




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

LETTER OF DEFICIENCY

No. WD SS 06-012

September 5, 2006

Andrew and Karen Goldstein
291 South Road
Rye Beach, NH 03871

RE: 31 Kingsbury Drive, Milton, NH 03851

Dear Mr. and Ms. Goldstein:

On August 31, 2006, personnel from the Department of Environmental Services, Water Division ("DES") received information concerning the use of the Kingsbury Drive property, described as Lot # 89, on Tax Map # 32, and located on 31 Kingsbury Drive, Milton, NH, 03851 ("the Property"). The purpose of this Letter of Deficiency is to determine whether you were in compliance with RSA 485-A and its implementing regulations, the Subdivision and Individual Sewage Disposal System Design Rules, Env-Ws 1000 ("the Rules").

As a result of the information, the following deficiency was noted:

1. The septic approval for this lot (#108313, December, 1983) is for a 3 bedroom, single family home. DES has been informed that the property is being used as a four bedroom duplex. This use violates the septic system approval issued for the Property.

DES believes the above deficiency can be permanently corrected within 10 days by initiating and completing the following measures:

1. Engage a permitted septic system designer to prepare and submit septic system plans and specifications to DES for the total waste load generated on the Property.
2. Obtain approval to construct the system.
3. As an alternative to the above measures, reduce the use of the Property back to its originally approved usage of three bedrooms.

4. Any application for increased sewage loading on the Property must meet all local requirements, as well as State standards.

DES believes the cited deficiencies can be corrected within 10 days and a report describing the corrective measures can be submitted to this office within 15 days of receipt of this letter.

In the event compliance is not achieved within this period, DES may initiate further action against you, including issuing an order requiring the above items to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violation(s) noted above.

The written report as requested above should be addressed as follows:

Richard J. de Seve, SSB, DES
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Your prompt cooperation is appreciated. Should you have any questions regarding this letter, please contact Richard J. de Seve at 271-3442.

Sincerely,



William E. Evans, P.E.
Administrator
Subsurface Systems Bureau

WEE/RJD

CERTIFIED MAIL 7099 3400 9772 9561

Cc: James G. Falicon, SSB, DES

Gretchen Hamel, Administrator, DES Legal Unit ✓

Board of Selectmen, Town of Milton

Richard J. de Seve, SSB, DES